

EXHIBIT B

Filed: 4/15/2021 4:26 PM
Lisa David, District Clerk
Williamson County, Texas
Michele Rodriguez

21-0546-C26

LAW OFFICE OF CARL KNICKERBOCKER

A PROFESSIONAL CORPORATION
ATTORNEY AT LAW
1490 RUSK ROAD, SUITE 102
ROUND ROCK, TEXAS 78665
Writer's e-mail address: carl@gettheboar.com

Telephone
512-763-9282

Facsimile
512-943-0653

CARL KNICKERBOCKER

April 15, 2021

E-FILE

Ms. Lisa David
Williamson County District Clerk
PO Box 24
Georgetown, TX 78627

Re: Cause No. _____; *Liana Zhilchuk v. Dollar Tree Stores, Inc.*, In the _____ District Court, Williamson County, Texas

Dear Ms. David:

Attached, for filing, is Plaintiff's Original Petition and Request for Disclosure.

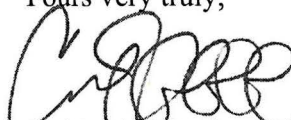
Please file the Petition and issue one (1) citation for the following:

Dollar Tree Stores, Inc.
Through its Registered Agent for service: CSC-Lawyers Incorporating Service Company
211 E. 7th Street., Suite 620
Austin, Texas 78701

Please contact Mike Techow, at Austin Process, LLC, via email: info@austinprocess.com, to arrange private service on the Defendant. If you need to contact him by phone, you may reach him at (512) 480-8071.


Thank you for your assistance and cooperation in this matter.

Yours very truly,


Carl R. Knickerbocker

STATE OF TEXAS
COUNTY OF WILLIAMSON
CRK/law
CERTIFIED TO BE A TRUE AND CORRECT COPY
OF THE ORIGINAL IN MY CUSTODY
GIVEN UNDER MY HAND AND SEAL OF OFFICE
DATE May 3rd AD. 2021



LISA DAVID
DISTRICT CLERK OF WILLIAMSON COUNTY
BY  DEPUTY



Envelope# 52511689

NO. 21-0546-C26

LIANA ZHILCHUK

V.

DOLLAR TREE STORES, INC

§
§
§
§
§

IN THE DISTRICT COURT
Williamson County - 26th Judicial District Court

____ JUDICIAL DISTRICT

WILLIAMSON COUNTY, TX

**PLAINTIFF'S ORIGINAL PETITION AND REQUEST
FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, LIANA ZHILCHUK, Plaintiff, complaining of Defendant, DOLLAR TREE STORES, INC. and for cause of action would show the Court as follows:

I.

Discovery in this case is to be conducted under Texas Rules of Civil Procedure 190.3, Discovery Control Plan, Level 2. Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00.

II.

Plaintiff LIANA ZHILCHUK (SSN 084 / ORDL 903) is an individual residing at 1409 Ignacia Dr., Georgetown, Texas 78626.

Defendant DOLLAR TREE STORES, INC is a Foreign For-Profit Corporation and may be served through its registered agent for service of process: Corporation Service Company, D/B/A CSC-Lawyers Incorporating Service Company at 211 E. 7th Street., Suite 620, Austin, Texas 78701.

III.

On July 2, 2019, Plaintiff, LIANA ZHILCHUK was injured on Dollar Tree's premises

Envelope# 52511689



located at 900 N Austin Ave #119 in Georgetown, Williamson County, Texas 78626. At the time of the injury, the premises in question was a Dollar Tree store owned and operated by Defendant DOLLAR TREE STORES, INC.

IV.

Defendant DOLLAR TREE STORES, INC was in control of the premises on which Plaintiff's injuries occurred. Defendant DOLLAR TREE STORES, INC was either the owner or lessor of the premises and had the right to control the property on which Plaintiff was injured. Defendant DOLLAR TREE STORES, INC. was in control of the premises on which Plaintiff's injuries occurred and had the right to control and direct the actions of its agent(s), servant(s), and/or employee(s) located therein at the time of the accident that forms the basis of this suit.

V.

Plaintiff was an invitee at the time the injury occurred. Plaintiff went on Defendant's premises for the mutual benefit of herself and Defendant, and at the implied invitation of the Defendant. Plaintiff was a business invitee of Defendant because on or about July 2, 2019, Plaintiff came upon Defendant's business premises to purchase products. Defendant extended an open invitation to the public, including the Plaintiff, to purchase products at its establishment.

VI.

Because Plaintiff was an invitee at the time of injury, Defendant owed her a duty to exercise ordinary care to keep the premises in reasonably safe condition, inspect the premises to discover latent defects, and to make safe any defects or give an adequate warning of any dangers.

Additionally, DOLLAR TREE STORES, INC., by and through its agent(s), servant(s), and/or employee(s) owed Plaintiff a duty to exercise ordinary care in the operation of the store, in the supervision and hiring of its employees and in the conduct of its agent(s), servant(s), and/or



employee(s) during the course and scope of their employment.

VII.

On or about July 2, 2019, Plaintiff LIANA ZHILCHUK entered the premises of the Dollar Tree owned and/or operated by Defendant DOLLAR TREE STORES, INC to purchase products. As Plaintiff was in the store, looking at the greeting cards, there were several boxes stacked high in the aisles. All of a sudden, a box flew down and slammed on top of her head.

VIII.

Defendant DOLLAR TREE STORES, INC.'s conduct, and that of its agents, servants, and employees, acting within the scope of their employment, constituted a breach of the duty of ordinary care owed by Defendant to Plaintiff. Defendant DOLLAR TREE STORES, INC.'s employee engaged in a negligent activity that proximately caused Plaintiff's injuries.

Defendant DOLLAR TREE STORES, INC.'s conduct, and that of its agents, servants, and employees, acting within the scope of their employment, constituted a breach of the duty of ordinary care owed by Defendant to Plaintiff. Each of these acts and omissions, singularly or in combination with others, were negligent and one or more of these acts constituted negligence *per se* and such negligence was a proximate cause of the accident made the basis of this lawsuit and of the injuries and damages suffered by the Plaintiff.

Plaintiff LIANA ZHILCHUK would further show that at the time of the incident that forms the basis of this lawsuit the persons responsible for causing Plaintiff's injuries were agent(s), servant(s), and/or employee(s) of DOLLAR TREE STORES, INC. acting within the course and scope of their Employment, and such negligent acts as set forth herein were and are attributable to DOLLAR TREE STORES, INC. under a theory of respondeat superior.

Plaintiff would further show that DOLLAR TREE STORES, INC. was guilty of negligent



hiring, training, and supervision of its employees, and said negligence was a proximate cause of the said accident and of the injuries and damages suffered by the Plaintiff.

IX.

As a direct and proximate result of the aforesaid incident and such negligence and/or *per se* negligent act(s) by Defendant as stated herein, Plaintiff, LIANA ZHILCHUK, has:

1. sustained and suffered severe personal injuries to her head, neck and back and to her body generally. She has incurred medical bills and expenses for which Plaintiff prays Judgment. These expenses were incurred for reasonable and necessary care and for the treatment of injuries resulting from the incident complained of herein.
2. suffered great physical pain, suffering and anguish in the past.
3. suffered physical impairment in the past.
4. suffered physical disfigurement in the past.
5. suffered lost wages in the past.

All of the foregoing damages as alleged above exceed the minimum jurisdictional limits of this Court.

WHEREFORE, PREMISES CONSIDERED, Plaintiff LIANA ZHILCHUK prays that Defendant DOLLAR TREE STORES, INC. be cited to appear and answer herein, and that upon final trial, Plaintiff have judgment against Defendant for all damages proved; for costs of Court; for pre-judgment interest in accordance with the law, and interest on the judgment until the time the judgment is paid; and for such other and further relief to which Plaintiff may show herself justly entitled.



Respectfully Submitted,

LAW OFFICE OF CARL KNICKERBOCKER, PC

1490 Rusk Rd., Ste. 102

Round Rock, TX 78665

Telephone: (512) 763-9282

Facsimile: (512) 943-0653

Email: carl@gettheboar.com

By: 

CARL R. KNICKERBOCKER

SBN: 24060915



REQUEST FOR DISCLOSURE

- (a) The correct names of the parties to this suit.

RESPONSE:

- (b) The name, address and telephone number of any potential parties.

RESPONSE:

- (c) The legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

RESPONSE:

- (d) The amount and any method of calculating economic damages.

RESPONSE:

- (e) The name, address and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

RESPONSE:

- (f) For any testifying expert:

1. The expert's name, address and telephone number.
2. The subject matter on which the expert will testify.



3. The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information.
4. If the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - (a) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, prepared by or for the experts in anticipation of the expert's testimony.
 - (b) The expert's current resume and bibliography.

RESPONSE:

- (g) Any discoverable indemnity and insuring agreements.

RESPONSE:

- (h) Any discoverable settlement agreements.

RESPONSE:

- (i) Any discoverable witness statements.

RESPONSE:

- (j) All medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

RESPONSE:



- (k) All medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

RESPONSE:

- (l) The name, address, and telephone number of any person who may be designated as a responsible third party.

RESPONSE:

STATE OF TEXAS
COUNTY OF WILLIAMSON
CERTIFIED TO BE A TRUE AND CORRECT COPY
OF THE ORIGINAL IN MY CUSTODY
GIVEN UNDER MY HAND AND SEAL OF OFFICE
DATE May 3rd AD. 2021



LISA DAVID
DISTRICT CLERK OF WILLIAMSON COUNTY

BY [Signature] DEPUTY

Sabrina Rodriguez

From: Microsoft Outlook
To: info@austinprocess.com
Sent: Friday, April 16, 2021 11:15 AM
Subject: Relayed: Service Documents in 21-0546-C26; Liana Zhilchuk vs. Dollar Tree Stores, Inc.

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

info@austinprocess.com (info@austinprocess.com)

Subject: Service Documents in 21-0546-C26; Liana Zhilchuk vs. Dollar Tree Stores, Inc.



Service
Documents in 21...

STATE OF TEXAS
COUNTY OF WILLIAMSON
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OF THE ORIGINAL IN MY CUSTODY
GIVEN UNDER MY HAND AND SEAL OF OFFICE
DATE May 3rd AD. 2021



LISA DAVID
DISTRICT CLERK OF WILLIAMSON COUNTY
BY Burt H. Gibson DEPUTY

Sabrina Rodriguez

From: Sabrina Rodriguez
Sent: Friday, April 16, 2021 11:15 AM
To: info@austinprocess.com
Subject: Service Documents in 21-0546-C26; Liana Zhilchuk vs. Dollar Tree Stores, Inc.
Attachments: Plaintiffs Original Petition and Request for Disclosure.pdf; Citation, Dollar Tree Stores, Inc..pdf; Williamson County Local Rules.pdf

Please see attached citation, issued to Dollar Tree Stores, Inc., along with a copy of the Williamson County Local Rules and a file-stamped copy of the Plaintiff's Original Petition both to be served in conjunction to the attached citation.

Thank you,
Sabrina Rodriguez
Deputy District Clerk
Ph: 512-943-1212
Fax: 512-943-1222



*****Don't aspire to make a living, aspire to make a difference.*****

CONFIDENTIALITY NOTICE: This communication (including any attached document) may contain information that is confidential, proprietary, and/or privileged. The information is intended for the sole use of the indicated e-mail addressee(s). If you are not an intended recipient of this communication, please be advised that any disclosure, copying, distribution, or other use of this communication or any attached document is strictly prohibited. If you have received this communication in error, please notify the sender immediately by reply e-mail or by telephone at (512) 943-1212, and promptly destroy all electronic and printed copies of this communication and any attached document. Thank you.



CITATION
THE STATE OF TEXAS, COUNTY OF WILLIAMSON
NO. 21-0546-C26

LIANA ZHILCHUK VS. DOLLAR TREE STORES, INC.

TO: Dollar Tree Stores, Inc.
 Through its Registered Agent CSC- Lawyers Inc Service Company
 211 E 7th Street Suite 620
 Austin TX 78701

DEFENDANT in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment for the relief demanded in the petition may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org

Attached is a copy of the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE in the above styled and numbered cause, which was filed on the 15th day of April, 2021 in the 26th Judicial District Court of Williamson County, Texas. This instrument describes the claim against you.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office on this the 16th day of April, 2021.

ADDRESS OF LEAD ATTORNEY FOR
 PETITIONER:
 Carl R Knickerbocker
 1490 Rusk Road Suite 102
 Round Rock TX 78665

Lisa David, District Clerk
 PO Box 24, Georgetown, TX 78627
 Williamson County, Texas
 (512) 943-1212



BY: Sabrina Rodriguez
 Sabrina Rodriguez, Deputy

RETURN OF SERVICE

Came to hand on the ____ day of _____, 20____, at ____ o'clock ____ M. and executed at _____, within the County of _____, Texas, at ____ o'clock ____ M. on the ____ day of _____, 20____, by delivering to the within named _____, in person a true copy of this citation, with a true and correct copy of the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE attached thereto, having first endorsed on such copy of citation the date of delivery.

* **NOT EXECUTED**, the diligence used to execute being (show manner of delivery) _____; for the following reason _____, the defendant may be found at _____.

*Strike if not applicable.

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY _____ COUNTY, TEXAS
 _____ SHERIFF/CONSTABLE BY: _____ DEPUTY

FEE FOR SERVICE OF CITATION : \$ _____

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return.

My name is _____, my date of birth is _____, and my address is _____
 Please print. (First, Middle, Last) (Street, City, Zip).

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the ____ day of _____, 20____.

Declarant/Authorized Process Server

ID # & expiration of certification



MAYER

Filed: 4/28/2021 3:20 PM
Lisa David, District Clerk
Williamson County, Texas
Tammy Clinton

21-0546-C26

ROBIN R. GANT
DIRECT: 214.379.6908
E-MAIL: RGANT@MAYERLLP.COM

April 28, 2021

Carl R. Knickerbocker
LAW OFFICE OF CARL KNICKERBOCKER, PC
1490 Rusk Rd., Ste. 102
Round Rock, Texas 78665

Re: ***Liana Zhilchuk v. Dollar Tree Stores, Inc.***
Cause No.: 21-0546-C26
Court: 26th Judicial District Court, Williamson County, Texas
Our File No.: 79656.00070

Dear Mr. Knickerbocker:

Enclosed is ***Defendant Dollar Tree Stores, Inc.'s Original Answer to Plaintiff's Original Petition and Demand for a Jury Trial*** in the above-referenced matter, which was e-filed today in the 26th District Court, Williamson County, Texas:

Please be advised that we would like to take your client's deposition, on a mutually agreeable date and time, following our receipt of Plaintiff's Answers to Defendants' (forthcoming) written discovery requests.

Should you have any questions, please do not hesitate to contact me at 214.379.6908 or via email at rgant@mayerllp.com.

Sincerely,

MAYER LLP

By: /s/ Robin R. Gant
Robin R. Gant

RRG/pm
Attachment

#7615064



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Patty Mikula on behalf of Robin Gant
 Bar No. 24069754
 pmikula@mayerllp.com
 Envelope ID: 52919510
 Status as of 4/30/2021 4:44 PM CST

Associated Case Party: Dollar Tree Stores, Inc.

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|-----------------------|----------------------|--------|
| Robin Gant | | rgant@mayerllp.com | 4/28/2021 3:20:11 PM | SENT |
| Courtney Kenisky | | ckenisky@mayerllp.com | 4/28/2021 3:20:11 PM | SENT |
| Zach Mayer | | zmayer@mayerllp.com | 4/28/2021 3:20:11 PM | SENT |

Case Contacts

| Name | BarNumber | Email | TimestampSubmitted | Status |
|--------------------|-----------|----------------------|----------------------|--------|
| Kristy Fisher | | kfisher@mayerllp.com | 4/28/2021 3:20:11 PM | SENT |
| Carl Knickerbocker | 24060915 | carl@gettheboar.com | 4/28/2021 3:20:11 PM | SENT |

STATE OF TEXAS
 COUNTY OF WILLIAMSON
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 DATE May 3rd AD. 2021



LISA DAVID

DISTRICT CLERK OF WILLIAMSON COUNTY

BY [Signature] DEPUTY

CAUSE NO. 21-0546-C26

| | | |
|---------------------------|---|------------------------------------|
| LIANA ZHILCHUK, | § | IN THE DISTRICT COURT |
| <i>Plaintiff,</i> | § | |
| | § | |
| v. | § | WILLIAMSON COUNTY, TEXAS |
| | § | |
| DOLLAR TREE STORES, INC., | § | |
| <i>Defendant.</i> | § | 26 th JUDICIAL DISTRICT |

**DEFENDANT DOLLAR TREE STORES, INC.'S
ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION
AND DEMAND FOR A JURY TRIAL**

DOLLAR TREE STORES, INC., hereby files its Original Answer to Plaintiff's Original Petition and Demand for a Jury Trial as follows:

**I.
GENERAL DENIAL**

1. Defendant denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demands strict proof thereof.

**II.
JURY DEMAND**

2. In accordance with Rule 216 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant demands a trial by jury and tenders the applicable jury fee with its Answer.

**III.
PRAYER FOR RELIEF**

3. Defendant, DOLLAR TREE STORES, INC., prays that Plaintiff take nothing by this lawsuit, that Defendant go hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which



Defendant may show itself justly entitled.

Respectfully submitted,

MAYER LLP

750 North Saint Paul Street, Suite 700
Dallas, Texas 75201
214.379.6900 / Fax: 214.379.6939

By: /s/Robin R. Gant
Zach T. Mayer
State Bar No. 24013118
E-Mail: zmayer@mayerllp.com
Robin R. Gant
State Bar No. 24069754
E-Mail: rgant@mayerllp.com

**ATTORNEYS FOR DEFENDANT
DOLLAR TREE STORES, INC.**

CERTIFICATE OF SERVICE

I, the undersigned counsel, hereby certify that on this 28th day of April 2021, a true and correct copy of the foregoing document was served on counsel of record as follows:

| | |
|---|---|
| <p>Carl R. Knickerbocker LAW OFFICE OF CARL KNICKERBOCKER 1490 Rusk Rd., Ste. 102 Round Rock, Texas 78665 <i>Counsel for Plaintiff</i></p> | <p><input type="checkbox"/> E-MAIL(carl@gettheboar.com) <input type="checkbox"/> HAND DELIVERY <input type="checkbox"/> FACSIMILE <input type="checkbox"/> OVERNIGHT MAIL <input type="checkbox"/> REGULAR, FIRST CLASS MAIL <input checked="" type="checkbox"/> E-SERVE AND FILE <input type="checkbox"/> E-SERVICE ONLY <input type="checkbox"/> CERTIFIED MAIL/RETURN RECEIPT REQUESTED</p> |
|---|---|

/s/Robin R. Gant

Robin R. Gant



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Patty Mikula on behalf of Robin Gant
 Bar No. 24069754
 pmikula@mayerllp.com
 Envelope ID: 52919510
 Status as of 4/30/2021 4:44 PM CST

Associated Case Party: Dollar Tree Stores, Inc.

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| Robin Gant | | rgant@mayerllp.com | 4/28/2021 3:20:11 PM | SENT |
| Courtney Kenisky | | ckenisky@mayerllp.com | 4/28/2021 3:20:11 PM | SENT |
| Zach Mayer | | zmayer@mayerllp.com | 4/28/2021 3:20:11 PM | SENT |

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LISA DAVID
 DISTRICT CLERK OF WILLIAMSON COUNTY
 BY [Signature] DEPUTY